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May 3, 2023

BY ECF

Honorable Ramon E. Reyes, Jr.
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Acosta, et al. v. City of New York, et al.,
22-CV-00576 (FB) (RER)

Your Honor:

I am a Senior Counsel in the Office of the Honorable Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and the attorney representing defendants City of New York, and New York City Police Department Police Officers Ramos, Schmidt, Holguin, and O'Connor in the above-referenced matter. The instant application is submitted jointly on behalf of all parties to respectfully request a ninety (90) day enlargement of time, from May 1, 2023 until August 1, 2023, *nunc pro tunc*, for the parties to complete discovery. To the extent the Court is inclined to grant the within request, the parties additionally respectfully request an adjournment of the final pre-trial conference, currently scheduled for 11:00 am on May 18, 2023, to a date and time convenient for the Court after August 1, 2023.

As an initial matter, counsel for the parties sincerely apologizes for the belatedness of this request. The parties met and conferred regarding proposal of a revised discovery schedule on May 1, 2023 but did not reach an agreement until today as to the proposed dates.¹ As Your Honor may recall, mediation was originally scheduled in this case to go forward on March 2, 2023. In February, however, the parties requested additional time to complete mediation in light of

¹ The parties worked out an agreement as to the production of the names of the John Doe defendants referenced in the Complaint. Defendants will produce this information by June 2, 2023. Plaintiffs will thereafter amend the Complaint within two weeks.

defendants' production of several hundred pages of a CCRB documents, which included various audio and video recordings, and further requested permission to attend mediation and exhaust settlement conversations prior to conducting depositions. (ECF Entry No. 21). The Court thereafter extended the mediation deadline to April 3, 2023, and the parties attended mediation with Judge Pohorelsky on April 3, 2023. Unfortunately, however, we were unable to reach a settlement.


At this juncture, the parties request an additional ninety (90) days, until August 1, 2023, to complete discovery due to the undersigned's competing professional responsibilities, including a trial scheduled to begin on May 10, 2023. As such, the undersigned will not be able to start deposition in this matter until June.

Accordingly, the parties respectfully submit the following proposed schedule for the Court's consideration:

- Defendants to produce names of John Doe **June 2, 2023**
defendants:
- Complaint to be amended by: **June 16, 2023**
- Fact Discovery to be completed by: **August 1, 2023**
- Expert Discovery to be completed by: **September 21, 2023**

Accordingly, the parties respectfully request the Court a ninety (90) day enlargement of time, until August 1, 2023 to complete discovery and a corresponding adjournment of the May 18, 2023 final pre-trial conference to a date and time convenient for the Court after August 1, 2023.

The parties thank the Court for its consideration of this request and again apologize for the belatedness of this application.

By: /s/ 
Michael Pesin-Virovets
Senior Counsel

cc: **By ECF**

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